

UNITED STATES DISTRICT COURT

District of Massachusetts

United States of America

**ORDER SETTING CONDITIONS
OF RELEASE**

V.

Reynaldo Rivera
Defendant

Case Number: 04-10336-03

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing before any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall appear at (if blank, to be notified) _____
Place _____
on _____ Date and Time _____

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- () (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- () (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of _____ dollars (\$ _____) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

() Please see Order Setting Conditions of Release
11/12/2004. Attached.

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICES U.S. ATTORNEY U.S. MARSHAL

Additional Conditions of Release

~~Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community.~~

~~IT IS FURTHER ORDERED~~ that the release of the defendant is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:
(Name of person or organization) Hector Rivera and Lydia Figueroa (Parents)
(Address) 15 Madonna Circle
(City and state) Lowell, MA (Tel. No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: Lidia E. Tijerina Date: 11-22-04
Wita Pino Canadian or Proxy Date: 11-22-04

- () (7) The defendant shall:

() (a) report to the _____, telephone number _____, not later than _____.

() (b) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property:

() (c) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described

() (d) execute a bail bond with solvent sureties in the amount of \$ _____.

() (e) maintain or actively seek employment.

() (f) maintain or commence an education program.

() (g) surrender any passport to: _____.

() (h) obtain no passport.

() (i) abide by the following restrictions on personal association, place of abode, or travel:

() (j) avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to:

() (k) undergo medical or psychiatric treatment and/or remain in an institution as follows:

() (l) return to custody each (week) day as of _____ o'clock after being released each (week) day as of _____ o'clock for employment, schooling, or the following limited purpose(s):

() (m) maintain residence at a halfway house or community corrections center, as deemed necessary by the pretrial services office or supervising officer.

() (n) refrain from possessing a firearm, destructive device, or other dangerous weapons.

() (o) refrain from () any () excessive use of alcohol.

() (p) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

() (q) submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.

() (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial services office or supervising officer.

() (s) refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which is (are) required as a condition(s) of release.

() (t) participate in one of the following home confinement program components and abide by all the requirements of the program which () will or () will not include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer.

() (i) **Curfew.** You are restricted to your residence every day () from _____ to _____, or () as directed by the pretrial services office or supervising officer; or

() (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the pretrial services office or supervising officer; or

() (iii) **Home Incarceration.** You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the pretrial services office or supervising officer.

() (u) report as soon as possible, to the pretrial services office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.

() (v) *Not to have contact directly or indirectly w/ witnesses or codefendants, other than through Attorney.*

() (w)

() (x)



DISTRIBUTION COURT

DEFENDANT

PRETRIAL SERVICES

U.S. ATTORNEY

U.S. MARSHAL

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
 - (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
 - (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
 - (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

Reynaldo Rivera
Signature of Defendant

Signature of Defendant

IS MADONNA CIR

Address

LOUISE MA 01854 978-323-0422
City and State Telephone

City and State

Telephone

Directions to United States Marshal

- The defendant is ORDERED released after processing.

The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judge at the time and place specified if still in custody.

Date:

NOV 22 2004

JDCm

Signature of Judge

Name and Title of Judge

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL

HON. ROBERT B. COLLINGS
UNITED STATES MAGISTRATE JUDGE
United States District Court
United States Courthouse, - Suite 6420
1 Courthouse Way
Boston, MA 02210

United States District Court District of Massachusetts

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 04-10336-NMG-03

REYNALDO RIVERA, ETC.

ORDER SETTING CONDITIONS OF RELEASE

COLLINGS, U.S.M.J.

After hearing, the Court finds that there is a combination of conditions of release which will reasonably assure the appearance of the defendant and the safety of other persons and the community. Accordingly, the Court sets the following Conditions of Release:

- (1) The defendant and each of his parents shall sign a bond in the amount of \$90,000 secured by the equity in the premises at 15 Madonna Circle, Lowell, Massachusetts.
- (2) The defendant shall live only at 15 Madonna Circle, Lowell, Massachusetts ("the residence") and at no other location.
- (3) The defendant shall be subject to electronic monitoring at the residence and may not leave the residence except (a) for the purpose of attending a previously scheduled appearance in a court,

- (b) for the purpose of visiting an attorney who is representing him in a pending criminal matter, and (c) for the purpose of seeking emergency medical care. Permission to leave the residence for the above-stated purposes (a), (b), or (c) is conditioned on the defendant complying with all of the requirements imposed by the Pre-Trial Services. Permission is further conditioned on one of the third-party custodians being in the defendant's actual physical presence at all times at which he is out of the residence for one of the purposes listed above.
- (4) All features on the telephone which are incompatible with electronic monitoring must be removed prior to the defendant's release.
 - (5) The defendant is released into the Third Party Custody of his parents, Hector Rivera and Lydia Figueroa.
 - (6) The defendant shall not apply for a passport or any type of travel documents while on release.
 - (7) The defendant shall not possess any firearms, destructive devices or dangerous weapons while on release and there shall be no such firearms, destructive devices or dangerous weapons in the residence.
 - (8) The defendant shall not alcohol to excess and shall not use or possess any narcotic controlled substance except by prescription from a licensed medical practitioner.
 - (9) The defendant shall submit to random drug testing by Pre-Trial Services.
 - (10) The defendant shall notify Pre-Trial Services within twenty-four (24) hours if he is arrested.
 - (11) The defendant's travel is restricted to Essex, Middlesex and Suffolk Counties, Massachusetts.

- (12) The defendant shall not violate any Federal, state or local law while on release, including the provisions of 18 U.S.C. §§ 1503, 1512 and 1513.

When counsel for the defendant has obtained an appraisal of the residence and a certificate of good title, he shall notify the Court and the Court will schedule a release hearing. At the hearing, the defendant's parents must be present in person. If either or both parents do not speak English, counsel must notify the Clerk of that fact in advance of the hearing.

/s/ Robert B. Collings

ROBERT B. COLLINGS
United States Magistrate Judge

Date: November 12, 2004.